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R A I S I N G O F T W O R E G I M E N T S O F V O L U N -
T E E R S , F R O M A M O N G T H E S E R V A N T S
O F T H E C O M P A N Y ,

F O R T H E
P U B L I C K S E R V I C E ,

which took Place on the 13th of Oct. 1796.

R E P O R T E D B Y W I L L I A M W O O D F A L L .

L O N D O N :

S O L D B Y D E B R E T T P I C A D I L L Y , A N D C H A P M A N ,
F L E E T - S T R E E T .

at the Court of the Duke of Devonshire

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EAST INDIA HOUSE;

SKETCH OF THE DEBATE, &c.

OCTOBER 13, 1796.

THE Minutes of the last Court having been read.

The CHAIRMAN informed the General Court, that he had received a letter from the Duk of Portland, signifying his Majesty's approbation of the proposed plan of raising two regiments.

The Chairman farther stated, that, upon reconsideration, the plan* had been amended so as to meet the ideas suggested by his learned friend (Mr. Jackson), at the last Court and to make the measure of their being called out depend more upon the discretion of the Chairman and deputy Chairman.

The plan, and the Duke's letter having been read, together with the opinions of Mr. Serjeant Adair, Mr. Rous, Mr. Gibbs, and Mr. Anstruther, the two former of which considered the plan to be illegal, and contrary to the 33d of the King, and the two latter pronouncing it to be legal), the

* For the substance of the Plan and the proceedings of the former Court, vide Appendix.

Chairman gave an accurate and perspicuous detail of the internal management of the Compny's concerns, the vast increase of its commerce, and its consequent increase of resources. He spoke in handsome terms of the officers of the House, bearing testimony to their general merit, and the zeal and attachment they had all manifested on the present occasion. After having stated the nature of the plan as it now stood, and explained the mode in which it was intended that it should be carried into execution, so so as to render it a constitutional force, regulated by the provisions of the volunteer act, he said, he should not have recapitulated a great part of what he had detailed at the last Court, had he not perceived some new faces in the Court, and observed several Proprietors there who were not present when he had first opened the subject; what he had on the former occasion left unexplained, had been supplied by his worthy colleague with that precision, ability, and perspicuity, to which he could not pretend. With regard to the opinion of the Lawers, which the Court had heard read, they would observe, that they were two and two, consequently they left the matter in some state of uncertainty: that, however, was not to be wondered at, nor need it prevent their proceeding to the farther consideration of the plan, as they might put the question of law totally aside, since he could assure the Court, that nine out of ten of the offers to raise corps that were made to his Majesty's ministers were not legal; but the practice was to refer them to the consideration of the Law Officers of the Crown, his Majesty's Attorney and Solicitor General, who put them into a legal shape, and, where it was necessary to do so, made application to parliament for that purpose.

Mr.

Mr. *Randle Jackson* desired, before he made the few observations with which he should think it necessary to preface the motion he was about to submit to the Court, to offer his sincere thanks to the Directors, for having so readily given way to the adjournment which had been proposed at the last Court, as by so doing they had fully sanctioned and established the wisdom of that Bye-law, which enacted, that no extraordinary grant of money should take place without fourteen days notice: he himself and his friends had introduced and supported that law in the Committee, in the full conviction, that it would be found among the most salutary of their institutes; and experience had, upon more than one occasion, confirmed its efficacy. Another advantage had arisen from delay for which he also cordially thanked the Directors, namely, that a part of the plan, which he had formerly pointed out as exceptionable, had been so altered as to meet what he knew to be the wishes of the proprietary; and the whole would now come forward with proper dignity and effect. Instead of being subject to the imputations of influence or surprise, whatever the Court might that day agree to, would be the result of due deliberation, and convince the public, that they acted from the purest motives, and from a proper sense of the situation of public affairs. The question before them, he said, naturally resolved itself into three points, viz. First, was the measure proposed likely to operate beneficially to the public?—Next, was it likely to prove so to themselves?—And lastly, admitting the affirmative of those propositions, could they charge themselves with the expence, consistent with their existing laws? These propositions, he said, seemed to comprise the general arguments which
had

had fallen from the Hon. Chairman, and in that order he would consider them. It was now, he said, more than two years since the legislature had thought proper to cherish the public spirit of the country, and to call upon its further exertions, by the exordium and the enactments of the Volunteer Act. Many very honourable bodies of men had associated and formed themselves under that act. The East India Company had not hitherto conceived itself called upon to mix with its civil functions, and its grave commercial pursuits, any thing like a military establishment; but the extraordinary and unlooked for events, which had since taken place, the wonderful progress of the French arms, and the certainty of premeditated invasion, must have made their way to the heart of every man capable of feeling the value of personal or mental freedom. It had been forcibly observed by the deputy Chairman (Mr. Inglis), at the last Court, that even a partial invasion might by its first shock convulse the kingdom from one end to the other; nothing could prevent such an attempt, or frustrate it if made, but an efficient military force equal to the exigency and circumstances of the times. Would any one reason so fondly upon the late successes of the Imperial arms, as to say that imminent danger no longer existed? He was not, Mr. Jackson said, he was sure, addressing persons whose views or understanding of passing events were of so limited a nature, as to conclude upon safety, because the last smile of fortune was ours! serious indeed he trusted would be the impression of the late successes upon our general affairs; but what contemplative mind was there which did not foresee that the Nations of Europe were about to assume a new character? the meanest capacity might predict.

predict many of the measures which must follow this great change in the order of things ! If peace were to take place to-morrow, nothing like a material reduction of strength would be warrantable ; those who met the question fairly, would say, we must in future be a Nation of Soldiers, or a Nation of Slaves : a great part of our Coast was now bordered by an *armed Nation* ; we too must become such, if we mean to repel aggression, or to maintain respect. By the term *armed Nation*, Mr. Jackson said, he did not mean to convey the idea of vast standing Armies, the expence of which no State could bear, and, surrounded by which, no Constitution could be free ; but was there no generous medium between such, and peaceful torpor ? were Englishmen, of necessity, to be either sunk or lost in selfish pursuits, or to sacrifice their Commercial to a Military Character ? Certainly not, the Volunteer Act pointed out a medium, and showed how those whole manly hearts disdained subjugation to any Power under Heaven, who had neither forgotten the maxims or lost the spirit of their Ancestors, and who were not ashamed of that honest prejudice which loves and prizes its native land, as such, and because it is such, might rally under the banners of true patriotism and public spirit, in a way consistent with the most sacred maxims of the constitution, with sound discretion, and with the existing laws. Under those impressions therefore, he should take the volunteer act for the ground work of his motion, and proceed to enquire, in the second place, how far the proposed measure might operate to the advantage of the company ?

After having fairly admitted his first and chief object to be an addition to the efficient force of the country,

country, Mr. Jackson hoped the Directors would pardon him for saying, that if the measure was to be confined to the protection of their warehouses, by a military establishment, he must oppose it. He felt indeed most forcibly, that not only their warehouses, but many other public edifices, had been long and rashly left to a very unequal and inefficient protection; the reason was, the rooted and constitutional aversion which the city of London had ever felt to the introduction of regular troops; and it was not till very lately that she could boast of a military force, either efficient, or at all worthy of herself. He should therefore most willingly consent, that the first care of these volunteers should be the premises of the Company, while they held themselves ready for greater purposes, if the times should require their aid, or higher considerations than those of personal property appeal to their courage. He did not mean, Mr. Jackson said, to interfere with the detail of the plan; that he wished to leave to the Directors, and therefore his motion would be general; he could rely perfectly upon their discreet use of the authority conveyed them; but one observation he felt it his indispensable duty to make—he desired to be understood as expressing, in the strongest manner, his objection to any unnecessary assumption of military parade. When the officers and men were publicly exercising, let them be invested with every military ornament, and all suitable appendages; such were the proper objects of a soldier's pride; but let the nightly protection of their warehouses be considered as a mere civil function. Arms were always kept in those places; these men would now become expert in their use, and need do nothing more than, in their turn, retire from their

their labour to their nightly station. But if by the term *mounting guard* over their warehouses, was meant the assembling every evening on parade for roll-call, and afterwards marching in detachments through the streets of London to their different stations, it would not only be objectionable to very many proprietors, and give just exception to the corporation of London, but perhaps awaken the jealousy and direct the fury of that very populace, against which, in case of tumult or insurrection, should such disastrous moments arrive, it was their professed wish to defend themselves. Rightly considered, every true Englishman would applaud and support the measure; but it behoved the Court of Directors, in their wisdom, not to subject it to erroneous construction, or false interpretation. He had always, he said, endeavoured to inculcate, in that place, what he believed to be a correct, and had at length seen received as a fixed political axiom among them, namely, that the East India Company lived but in the public esteem. No statesman, who understood their affairs, or philosopher, that comprehended their institution, but must see it as one of the proudest blessings that ever enriched a country. The company was in fact but an acting partner with the public, which was now admitted into their firm, and entitled to a very large portion indeed of their profits. The Company had stood forward, in a most honourable way, upon many trying occasions, ready to promote the prosperity, to alleviate the burdens and the wants, or contribute to the defence of their country. Let them continue so to do, and to testify, as he trusted they would, on that day testify, their anxious desire to acquit themselves in a way the most constitutional and consistent

consistent with the rights and privileges of their fellow citizens, and he would answer for their ever finding a sure support in the general voice of their country.

As to the last point, viz. the legality of defraying the expence which might attend the measure in question, the honourable Chairman, he said, had relieved him from the necessity of supporting that part of his proposition with argument, by having declared the readiness of the Directors to go to parliament for that purpose. He begged leave, however, to remind the Chairman, that the question which had been submitted to the learned authorities, whose opinions had been read, was not, whether the proposed measure was legal under the volunteer act, but as formerly suggested by his honourable friend, (Mr. Henchman), whether the Company could legally defray the expence, consistent with the strict appropriations of their territorial revenue and commercial profits, under the act of the 33d of his present majesty. Upon that it seemed that the learned gentlemen had differed. He was not, he said, himself disposed to obtrude a professional opinion; but he had no hesitation in saying, that sound policy required, that in all cases of doubt, respecting grants of money they should go boldly to parliament, as the proper method of consulting their co partners, the public; besides, he thought they could not set too many guards round their funds, or throw too many impediments in the way of extra disbursements from their treasury. Mr. Jackson said, that he had only to add his wish that the Court of Directors might be requested to consult with his Majesty's ministers on the most speedy and effectual

effectual means of carrying into execution the pleasure of the Court. This would not only furnish them with the means of doing away any little difficulties, ill-founded jealousies which might arise, but enable the Directors to set an example to the whole kingdom; which, he could not help flattering himself, would be followed with equal alacrity and effect. Mr. Jackson concluded with moving the following resolution.

“ That this Court, feeling the necessity there is at this important crisis for adding, by every constitutional means, to the efficient force of the country, doth approve of the Honourable the Court of Directors making an application for his Majesty’s leave to raise two regiments of volunteers, subject to the provisions of an Act of Parliament, passed in the thirty-fourth year of his present Majesty, entituled ‘ An Act for encouraging and disciplining such corps or companies of men, as shall voluntarily enroll themselves for the defence of their Counties, Towns, or Coasts, or for the general defence of the kingdom during the present war’

“ And at the same time humbly to express to his Majesty the wish of this Court, that the said two regiments shall be considered as more especially raised for the better securing the warehouses of the East India Company.

“ And in case it should appear, that the expences attending the said two regiments cannot be legally defrayed out of the funds of the Company, this Court doth recommend to the Court of Directors, to apply to parliament to obtain authority for that purpose.”

“ And that this Court doth request the Court of Directors, to consult his Majesty’s ministers on the most speedy and effectual mode of carrying this measure into execution.”

Mr. *Henchman* said, he rose to second the motion, as the doubts and objections he had at first entertained on the subject were in a great measure done

done away, by the very proper way in which it was now introduced, and by the alteration which had been made in the plan. It would do the Company credit to stand forward in the manner in which they were now about to do, viz. for the defence of the country, its constitution, and laws; and he trusted no man would enter into the corps, but with a perfect conviction that he was liable to be called out into actual service in case of emergency, and his mind made up to that possible circumstance.

Mr. *Watson* said, he could not wholly agree with the motion, as it involved more in it than met the ear; the subject naturally resolved itself into three points, which he stated; but two matters had escaped the notice of the Court, the power of embodying and raising the regiments, and paying the expence—and the duration of the plan. If peace occurred, what was to become of the regiments? He had great doubts of the legal rights of the Company to pay the expence, under the 33d of the King; and, with all due humility he spoke it, he feared his Majesty himself had not a right to authorize the keeping up of the regiments, when the war was at an end; because, if they looked to the preamble of the Mutiny Act, they would find, that it was limited to the existing regiments; and, consistent with that act, his Majesty could not grant permission for an increase of what must be deemed a standing army.

The *Chairman* in reply said, that the learned gentleman was under a mistake; the regiments were intended to be governed by the provisions of the volunteer act, and all corps raised under that

that statute would cease with the war; but if there were any illegality in the plan, he had already stated, that an application would be made to parliament, to give it their sanction and authority.

Mr. *Alderman Lushington* spoke much in favour of the intended plan, which he considered as highly patriotic and public spirited, and greatly to the credit of the Company. He hoped therefore the motion of his learned friend would pass with the most perfect unanimity; because undoubtedly the best ground for expecting a reasonable, just, and permanent peace, was to resort immediately to active preparation for war, and at all events be ready to face the worst possible danger. The alderman observed, that it would naturally be expected, that he should be alive to every thing that concerned the City. If he had seen any thing about to be adopted that was at all likely to affect the interests of the corporation of London, he certainly should have held it his indispensable duty to object to it; but in the present instance he saw no reason to be in the smallest degree alarmed. On the contrary, he believed, that if occasion required, and the two intended regiments were called into service in the city, they would not, so employed, excite the least jealousy or uneasiness. In the rendering such a plan practicable, and carrying it into execution, every possible attention to the rights of the city of London ought assuredly, and he had no doubt would be duly paid. He agreed with his learned friend, that the plan, as amended, was placed on constitutional ground; and as to the question of legality, in respect to the raising the regiments, and defraying the expence, and the existence

existence of the corps, the Chairman had fully obviated every difficulty.

Mr. *Durant* did not mean, he said, to take up much of the time of the court. He frankly confessed that he had come down with an intention to oppose the plan as it was announced at the last court; but he felt so much satisfied with what had fallen from the learned Gentleman (Mr. *Jackson*), and with the constitutional and comprehensive Resolution he had proposed, that he should give it his most hearty support. Possibly the few words he had further to say might fix upon him the odious character of an Alarmist. He would not, however, refrain from stating his sentiments, being convinced that Alarmists, of which description he confessed himself to be one, had contributed in an eminent degree to cause the general tranquillity of the country that had prevailed for the last twelve months. Had not the Alarmists manifested their apprehensions, possibly the two celebrated Bills, which passed early in the last session of parliament, would not have been thought of; and that they were wise and salutary measures experience had amply proved. With regard to the threatened descent of the enemy on these kingdoms he was not an Alarmist. It was in respect to the introduction of their principles, and not of their armies, that he felt any reasonable ground of apprehension. He verily believed, if any given number of Frenchmen, if even *Five Hundred Thousand* were to effect a landing on our coast, they would rue the day that they set foot on the English shore, as not a man of them would probably return to France to relate the melancholy

melancholy fate of his companions; and if money was wanted on such an emergency, he had no doubt but that *Fifty Millions* might be immediately raised to meet the exigency of the occasion.

Mr. *Durant* added some observations, tending to shew that the Resolution of his learned friend, and the unanimous adoption of it, would add to the spirit of every Volunteer Corps in the kingdom.

Mr. *Impey* said, he meant not to take up two minutes of the time of the Court, but he could not resist delivering his sentiments and approbation of so spirited and wise a measure, he concurred, he said, with almost every sentence which had been uttered by his learned friend (Mr. Jackson) and thought that the footing on which the plan was now placed, was a very great improvement of it.

Mr. *Minshall* coincided in opinion with Mr. Jackson in his sentiments completely, and thought the plan, as amended, was every way proper; he therefore heartily approved it. He declared, it had afforded him much pleasure to hear the Company's domestic Officers and Servants spoken of in such high and handsome terms from the chair. Many of them who had served the Company for years faithfully and ably, having families, were entitled to consideration, and deserved a liberal increase of income proportionate to their services and situation. Of this he was convinced, that if the Company's Officers and Clerks at home had not had an increase of salary within the course of the past ten years, they must either have had too much ten years ago, or they received too little now.

The

The question was at length put, and carried with the unanimous approbation of a crowded court.

FINIS.

APPENDIX.

AT a General Court of Proprietors held September 28th. The Chairman announced a measure that had been agreed on by the Directors, and highly approved of by his Majesty's ministers, viz. To raise two Regiments of Volunteers from among the servants of the Company—the privates to consist of their Porters; the non-commissioned officers of those who were called Commodores or head porters; the commissioned officers to be chosen from their clerks, and the field officers from the Directors. The privates to be drilled at their leisure hours, and to be paid for their extra attendance. The commissioned officers to be paid only when called out. These volunteers when embodied to *mount guard* nightly over their house and warehouses, to be subject to be called out by the Lord Mayor, in cases of riot, tumult, or insurrection, and by his Majesty in case of invasion, and that when called out in either of these cases, they should be paid by the Crown, and be subject to the mutiny act, and to martial law; in the mean time the officers were to receive commissions from the King, and the whole to be clothed in uniform, and to be called the Royal East-India Volunteers.

The

The Chairman in recommending the plan, went into a view of the political state of the times, and the financial state of the Company, shewing that the one demanded the aid in question, and that the other could well support it. He stated the immense amount of property contained in the warehouses which was progressively increasing owing to the flourishing state of the Company's commerce, upon which he particularly dwelt and concluded with his belief that there was no friend to his country, or good citizen, but would applaud the measure, and by expressing his hope that the whole kingdom would feel itself called upon to follow their example.— He then read the plan from the Chair, stated the conferences which had taken place with ministers and with the Lord Mayor upon the subject, as also the expence which he estimated at 14,000l. the first year, and about 4 or 5000l. per ann. afterwards exclusive of cloathing.

It was contended by the Proprietors in point of form, that however laudable the undertaking might be, that no resolution could be come to respecting it on that day, as according to the law of the Company no resolution carrying with it a grant of money on any *extraordinary* occasion could be agreed on without fourteen days notice, this point after some argument to shew that the occasion was not *extraordinary* was conceded to the proprietors.

The only observation made upon the plan itself, was upon that part of it which subjected the India Volunteers to be called out at the pleasure of the Lord Mayor to quell riots, &c. The consequences which might follow such a power, were forcibly

forcibly deprecated by Mr. Jackson, who while he admitted, that they could have no right to act in the city without consent of the Lord Mayor, contended that their own Chairman and deputy Chairman ought to be judges of the occasion that should call their men from the immediate protection of their valuable premises, to mix in civil broils. The greater, part of those premises he said were out of the city and consequently without its controul, should a Magistrate be led hastily to call them out, and blood be shed; he asked if from that moment the danger to their premises instead of being removed by this measure would not be greatly increased? He reminded the Court of the odium that long attached to the third regiment of guards, on account of the death of young Allen, although both men and officers were innocent instruments in the hands of the law; if such an accident should happen to the India volunteers, might it not light such a flame in the popular mind, as would only subside in the destruction of those premises which they were so anxious to preserve. Men who were soldiers by choice or by profession, and who associated or were formed for the express purpose of supporting the civil magistrate should be first called upon. Mr. Jackson shewed the strength at the command of the Lord Mayor, he stated the numbers of the London Volunteer Horse, and of the Artillery company, and to the gentlemen of both corps he paid the highest compliments for their services on many important occasions, and last though not least, he said he desired to notice the London militia, as fine a body of men as any in the service of their country. These he said were in fact the proper offspring or at least the adopted children of the city; their officers being all freemen

freemen or the sons of freemen and whose two Colouels, the Commissioners of Lieutenancy had made a point of choosng from the magistracy. These gentlemen of whose general respectability and exertions, he said he could not speak too highly, as if conscious that after the obloquy which had fallen upon the old London militia, this new corps would not start with others upon even terms, had addressed themselves to the training of the men with such indefatigable attention, and had made such progress in their discipline as considering the extraordinary difficulties which had been thrown in their way, was truly surprisng; the officers neither discouraged by the wretchedness of their accommodation in point of ground (having been refused admittance by the Artillery company to that ground which time out of mind had been considered as belonging to the corporation of London and appropriated to the use of their militia) or disheartened by opposition of a different nature, (which which he was happy to see dying fast away) had thought only of their duty, and had nearly enabled the Commissioners to discharge that obligation which the Legislature had imposed upon them, of having ready at all times at a moments notice upon requisition from the Lord Mayor or three Alderman, a sufficient force to support the civil power. As the company's troops could not therefore in all probability be necessary for that purpose, he hoped they would be exempted from such a call without the consent of the Chairman and deputy Chairman.—The Court evidently concurring with Mr. Jackson, it was agreed to postpone the further consideration of the question for fourteen days agreeably to the Bye-law which had been cited.